

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF THE CITY
OF LOS ALTOS, HELD ON TUESDAY, AUGUST 25, 2015, BEGINNING
AT 7:00 P.M. AT LOS ALTOS CITY HALL, 1 NORTH SAN ANTONIO
ROAD, LOS ALTOS, CALIFORNIA**

ESTABLISH QUORUM

PRESENT: Mayor Pepper, Mayor Pro Tem Bruins, Councilmembers Mordo, Prochnow and Satterlee

ABSENT: None

PLEDGE OF ALLEGIANCE

Mayor Pepper led the Pledge of Allegiance to the flag.

CLOSED SESSION ANNOUNCEMENT

1. Conference with Legal Counsel – Anticipated Litigation
Pursuant to Government Code Section 54956.9(d)(2) – Two cases
2. Public Employment: City Manager Performance Review and Labor Negotiations
Pursuant to Government Code Section 54957(b) and 54957.6

Mayor Pepper reported that no action was taken during the Closed Session meeting.

CHANGES TO THE ORDER OF THE AGENDA

Item number 21 was continued to September 8, 2015.

SPECIAL PRESENTATIONS

Mayor Pepper presented a proclamation recognizing Women's Equality Day, August 26, 2015.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Los Altos resident Richard Moll commented that historical data should be considered in the calculation of sewer fees.

CONSENT CALENDAR

A member of the public pulled item number 3. Mayor Pepper pulled item number 7.

Action: Motion made by Mayor Pepper, seconded by Councilmember Mordo, to continue item number 12 to the September 15, 2015 meeting.

Mayor Pro Tem Bruins offered an amendment, which was accepted, to continue the item to when all affected Commissions are ready to report back. The motion, as amended, passed unanimously.

Action: Upon a motion by Councilmember Mordo, seconded by Councilmember Satterlee, the Council unanimously approved the Consent Calendar, with the exception of items number 3, 7 and 12, as follows:

1. Approved the minutes of the July 28, 2015 regular meeting.
2. Adopted Ordinance No. 2015-411, amending Chapter 14.88 of Title 14 pertaining to rezoning 366 First Street from CD/R3 to CRS.
3. Pulled for discussion (see page 4).
4. Adopted Resolution No. 2015-29, accepting completion of the Annual Street Resurfacing, Project TS-01001 and authorized the Public Works Director to record a Notice of Completion as required by law.
5. Adopted Resolution No. 2015-30, accepting completion of the Annual Concrete Repair, Project TS-01005 and authorized the Public Works Director to record a Notice of Completion as required by law.
6. Awarded the Base Bid for the Grant Park Community Center Roof Repair, Project CF-01008 to Pioneer Contractors, Inc. in the amount of \$141,000 and authorized the City Manager to execute the contract on behalf of the City.
7. Pulled for discussion (see page 6).
8. Approved the parcel map for 897 North San Antonio Road.
9. Received the Investment Portfolio Report through June 30, 2015.
10. Adopted Resolution No. 2015-31, authorizing the City Manager and the City Attorney to execute certain documents required by the State Board of Equalization to collect the City's Utility Users' Tax on prepaid wireless service; and adopted Resolution No. 2015-32, authorizing the examination of prepaid mobile telephony services surcharge and local charge records.
11. Introduced and waived further reading of Ordinance No. 2015-413, relating to expedited permitting procedures for residential rooftop solar systems.
12. Confirm the Hillview Community Center and Park project design phase planning process (continued to a future meeting).
13. Authorized the Mayor to sign a joint letter from the West Valley and North County cities requesting the Valley Transportation Authority initiate a comprehensive study for

development of a system-wide plan that integrates future mass transit improvements in Santa Clara County with connections to other counties.

PUBLIC HEARINGS

14. Consider a review of Use Permit 10-UP-03 (modification) for One Main Street to allow for the service of food and beverages to non-hotel guests, subject to the findings and conditions

Senior Planner Dahl presented the report.

Councilmember Satterlee disclosed ex parte communications with the applicant's attorney Barton Hechtman and that she received an email from a resident regarding a plaza in Palo Alto. Mayor Pro Tem Bruins disclosed ex parte communications with Abigail Ahrens. Mayor Pepper disclosed ex parte communications with Barton Hechtman and Abigail Ahrens.

Mayor Pepper opened the public hearing.

Abigail Ahrens, applicant, presented the application.

Enchanté General Manager Josh Steinhart, Los Altos residents Owen Halliday, Karina Nilsen, Robert Moffat, Randall Hull, Maddy McBirney, David Avhy, Don Watters, Natalie Taaffe, John Swan, Denise Welsh, Mark Costello, Jerry Moison, Harry Price, Ron Labetich and John Yong, Enchanté Assistant General Manager Paula Nicolas, Greg Ann Herrern, Diane Walz, Julie Rose, representing the Chamber of Commerce, Nancy Dunaway, representing the Los Altos Village Association, Mark Rogge and Sharon Barkoff supported the Use Permit modification.

Barton Hechtman, land use attorney for Enchanté, provided clarifications for several items related to the plaza.

Los Altos resident Pat Marriott commented on parking related to the project.

Los Altos resident Michael McTighe expressed concerns with parking during the weekday hours of 11:00 a.m. to 2:00 p.m. and the need for signage indicating the plaza is open to the public.

Abigail Ahrens presented the rebuttal.

Mayor Pepper closed the public hearing.

Action: Upon a motion by Councilmember Mordo, seconded by Mayor Pepper, the Council unanimously approved Use Permit 10-UP-03 (modification) for One Main Street, as approved by the Planning and Transportation Commission, with the following changes: 1) modify Condition No. 3 to change the hours the hotel can serve food and beverages to the public to 4:00 p.m. to 12:00 a.m. on weekdays and 7:00 a.m. to 12:00 a.m. on weekends, holidays and up to six special events per year; 2) modify Condition No. 2 to reference use permit 10-UP-03; and 3) modify Condition No. 5 to read that future signage may be required by the City.

Mayor Pepper recessed the meeting at 8:58 p.m. The meeting resumed at 9:06 p.m.

17. Continue the public hearing for an ordinance establishing a development fee of 1% for public art, creating a Public Art Fund and establishing requirements for inclusion of public art in development projects to a future meeting (taken out of order)

Mayor Pepper opened the public hearing.

Public Arts Commissioner Maddy McBirney and Los Altos resident Nancy Ellickson requested the Council set a specific date for the public hearing.

Mayor Pepper closed the public hearing.

Action: Upon a motion by Mayor Pepper, seconded by Councilmember Prochnow, the Council unanimously continued the public hearing for an ordinance establishing a development fee of 1% for public art, creating a Public Art Fund and establishing requirements for inclusion of public art in development projects to October 27, 2015.

ITEMS PULLED FROM CONSENT CALENDAR

3. Adopt the supplemental findings regarding 999 Fremont Avenue

City Attorney Houston presented the report.

Public Comment: Gregg Bunker, applicant for 999 Fremont Avenue, indicated that his architect has proposed eliminating rooftop equipment for his project and identified other approved projects in which rooftop equipment exceeds the allowed height limit.

Action: Upon a motion by Councilmember Satterlee, seconded by Mayor Pro Tem Bruins, the Council unanimously adopted the supplemental findings regarding 999 Fremont Avenue.

PUBLIC HEARINGS CONTINUED

15. Adopt Interim Urgency Ordinance No. 2015-412, establishing a temporary moratorium on development within the Loyola Corners Neighborhood Commercial Center Specific Plan and declaring the urgency thereof

City Attorney Houston presented the report.

Mayor Pepper opened the public hearing.

Brooke Shaw and Gail Shaw, owners of 1540 Miramonte Avenue, requested that their project application be allowed to move forward.

Los Altos residents Andrew Pejack, Steve Wurzburg and Teresa Morris encouraged the Council to implement the current Loyola Corners Specific Plan.

Los Altos resident Henry More commented that changes to the Specific Plan should not deviate from the original intention of the Specific Plan.

Gregg Bunker opposed the moratorium.

Mayor Pepper closed the public hearing.

Mayor Pro Tem Bruins disclosed ex parte communications with Tracy Ross.

Action: Upon a motion by Councilmember Satterlee, seconded by Mayor Pro Tem Bruins, the Council adopted Interim Urgency Ordinance No. 2015-412, establishing a temporary moratorium on development within the Loyola Corners Neighborhood Commercial Center Specific Plan and declaring the urgency thereof, by the following vote: AYES: Bruins, Pepper, Prochnow and Satterlee; NOES: Mordo; ABSENT: None; ABSTAIN: None.

16. Introduce and waive further reading of Ordinance No. 2015-414, relating to amendments to the Zoning Code

Senior Planner Dahl presented the report.

Mayor Pepper opened the public hearing. There were no public comments. Mayor Pepper closed the public hearing.

Action: Upon a motion by Councilmember Satterlee, seconded by Mayor Pepper, the Council unanimously introduced and waived further reading of Ordinance No. 2015-414, relating to amendments to the Zoning Code.

DISCUSSION ITEMS

20. Receive a report from the Parks and Recreation Commission on parkland acquisition criteria and accept the criteria point system as part of the evaluation process for acquiring land for park development (taken out of order)

Action: Upon a motion by Councilmember Satterlee, seconded by Mayor Pro Tem Bruins, the Council unanimously continued item 20 to a future meeting.

18. Adopt the Pedestrian Master Plan

Transportation Services Manager Novenario presented the report.

Public Comments

Bicycle and Pedestrian Advisory Commissioner Wes Brinsfield and Michael McTighe, representing GreenTown Los Altos, encouraged the adoption of the Pedestrian Master Plan.

Los Altos resident Jim Wing encouraged that the priority score for the University Avenue gap closure project be raised.

Action: Upon a motion by Mayor Pepper, seconded by Councilmember Satterlee, the Council unanimously adopted the Pedestrian Master Plan, with the following Council comments: 1) add in-ground flashing crosswalk lights as a possible tool to be used; 2) conduct traffic warrants on State and Main Streets; 3) soften language regarding the removal of slip lanes and requiring curb extensions; 4) adjust the priority score for the University Avenue gap closure project; 5) remove reference to selling pedestrian maps; and 6) develop an implementation schedule to be reviewed by Council.

19. Receive an interim report from the Environmental Commission on Community Choice Energy, and direct the Commission and staff accordingly

Assistant City Manager Logan presented the report and Environmental Commissioner Don Bray presented the Commission's interim report.

21. Receive a report on the recent California Water Service Company Boil Water Order and notification to residents

Continued to September 8, 2015.

ITEMS PULLED FROM CONSENT CALENDAR CONTINUED

7. Award the Base Bid and Add Alternate No. 1 for Miramonte/Covington Pedestrian Improvements, Project TS-01021 to Golden Bay Construction, Inc. in the amount of \$167,967.50 and authorize the City Manager to execute a contract on behalf of the City

Mayor Pepper opposed awarding Add Alternate No. 1.

Action: Upon a motion by Mayor Pro Tem Bruins, seconded by Councilmember Satterlee, the Council unanimously awarded the Base Bid and Add Alternate No. 1 for Miramonte/Covington Pedestrian Improvements, Project TS-01021 to Golden Bay Construction, Inc. in the amount of \$167,967.50 and authorized the City Manager to execute a contract on behalf of the City.

COUNCIL AND STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

Council reports

Councilmember Satterlee reported she attended meetings of the Downtown Buildings Committee on August 12 and August 20, 2015 and announced the next meeting would be on September 17, 2015. She further reported that all entities have signed the Joint Powers Agreement for Silicon Valley Regional Interoperability Authority.

Councilmember Mordo announced the next meeting of the City-wide Parking Committee on August 26, 2015.

Mayor Pro Tem Bruins reported she attended a meeting at the new Stanford Children's Hospital on Fremont Avenue in Sunnyvale, a meeting of the Stevens Creek Trail Joint Cities Forum on August 21, 2015 and a meeting of the Public Lands Committee with Mayor Pepper on August 11, 2015.

Mayor Pepper reported she attended a meeting of the Los Altos Property Owners Downtown on July 29, 2015 and a meeting of the Cities Association of Santa Clara County Board of Directors on August 13, 2015.

ADJOURNMENT

Mayor Pepper adjourned the meeting at 11:14 p.m.

Janis C. Pepper, MAYOR

Jon Maginot, CMC, CITY CLERK